IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 701 OF 2006

Mr.Suresh Narwekar. ...Applicant
V/s.
The State of Maharashtra. ...Respondent

S/Shri Prakash Naik with Jay Bhatia for Applicant.
Ms.S.U. Gajre, APP for the State.

CORAM : V.M. KANADE, J.

DATED : FEBRUARY 21, 2006

P.C. :-

. Heard learned Counsel for the applicant and learned APP for the State.

. The applicant has an apprehension that he is likely to be arrested in connection with an offence which is registered at Alibag Police Station, District Raigad. It is alleged in the complaint that the applicant had committed an offence under the Environment Protection Act, 1986 by using loudspeakers in his hotel without obtaining valid permission on New Year's evening.

2. Learned Counsel for the applicant submits that

so far as the offences under the Indian Penal Code and Bombay Police Act are concerned, they are bailable offences, however, the offence under Section 15 of the Environment Protection Act is a non-bailable offence and therefore, the present application has been filed. It is submitted that the custodial interrogation of the applicant is not necessary.

3. I have heard learned Counsel for the applicant and learned APP for the State. In my view, prima facie case is made out for grant of anticipatory bail. The applicant is a permanent resident of Mumbai and has represented the South Mumbai Constituency of the Brihan Mumbai Municipal Corporation as Municipal Councillor for about 27 years. Thus, considering the allegation of the police that loudspeakers were used in the hotel owned by the applicant on new year’s eve, in my view, this is a fit case for grant of anticipatory bail.

4. In the event of the applicant being arrested by the Alibag Police Station in respect of the offence which is registered vide C.R.No.II, 1/2006 under Section

15 of the Environment Protection Act, 1986 and under Section 33(r)(3), Section 37 read with Section 131, Section 36 read with Section 134 and Section 38 read with Section 136 of the Bombay Police Act and under Section 188 read with Section 34 of the IPC, he may be released on bail in the sum of Rs.5000/- with one or two sureties in the like amount.

, Application is disposed of in the above terms.

(V.M. Kanade, J.)